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8 **BEFORE THE**
RESPIRATORY CARE BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 **STEPHANIE NUNEZ,**
Executive Officer
12 Respiratory Care Board of California,
Petitioner,

13 v.

14 **WAYNE ALBERT BLEYLE, RCP**
15 10319 Annie Lane
Santee, CA 92071

16 Respiratory Care Practitioner License
17 No. 6855,
Respondent.

Case Nos. SDPD 06-013934; 06-013946

OAH No. L 2006030383

STIPULATION BY RESPONDENT TO
AN ORDER OF SUSPENSION PENDING
RESOLUTION OF THE CRIMINAL
CHARGES

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 1. On or about March 8, 2006, Respondent was arrested and charged with 20
21 counts of distribution and production of child pornography, and one count each of sexual
22 exploitation of a child and using a child in the sales of obscene matter. in violation of Penal Code
23 sections 311.2(B), 311.4(A), 311.3(A), and 311.1, and two counts of lewd and lascivious acts on
24 a child under 14 in violation of Penal Code section 288. His arraignment is scheduled for
25 Friday, March 10, 2006, at 1:30 p.m. in Department 12 of the Superior Court of San Diego.

26 2. That respondent Wayne Bleyle, has been appraised that Respondent Care
27 Board intends to file a Petition for Interim Suspension Order with the Office of Administrative
28

1 Hearings seeking a complete suspension of his Respiratory Care Practitioner license, as well as
2 an Accusation which will allege the underlying criminal charges as a basis for revoking
3 respondent's RCP license.

4 3. That he was personally advised of his rights under California Government
5 Code section 11529, subdivision (c), to a noticed hearing on any Petition for Interim Order of
6 Suspension, as well as all other rights accorded him under California Government Code section
7 11529, subdivision (d), which include, at a minimum, the following rights:

8 (a) To be represented by counsel.

9 (b) To have a record made of the proceedings, copies of which may be
10 obtained by the licensee upon payment of any reasonable charges associated with
11 the record.

12 (c) To present written evidence in the form of relevant declarations,
13 affidavits, and documents. The discretion of the administrative law judge to
14 permit testimony at the hearing conducted pursuant to this section shall be
15 identical to the discretion of a superior court judge to permit testimony at a
16 hearing conducted pursuant to Section 527 of the Code of Civil Procedure.

17 (d) To present oral argument.

18 Respondent Wayne Bleyle, RCP, hereby knowingly, intelligently, freely and voluntarily waives
19 each and every one of the rights set forth and/or referenced above, and that in lieu of responding
20 to a Petition for Interim Suspension Order agrees to a voluntary suspension of his RCP license
21 6855 immediately.

22 4. That respondent Wayne Bleyle hereby stipulates that his license be
23 suspended pending the resolution of the criminal charges against him. In so stipulating,
24 respondent acknowledges that his Respiratory Care Practitioner License No. 6855 shall be
25 suspended until the effective date of any decision by the Office of Administrative Hearings
26 following the filing of an accusation accusing him with the criminal misconduct and with
27 unprofessional conduct as a by product therefrom. Respondent Wayne Bleyle acknowledges he
28 shall be prohibited from practicing as a respiratory care therapist in the State of California,

1 pending the issuance of a final Decision and Order by the Respiratory Care Board in the instant
2 matter.

3 5. That facsimile copies of this "Stipulation by Respondent to an order of
4 suspension pending resolution of the criminal charges," including any and all facsimile
5 signatures appearing thereon, may be used in lieu of original documents and signatures and,
6 further, that facsimile copies and signatures shall have the same force and effect as originals.

7 Dated: 3-9-06, 2006.

8 By: Wayne Bleyle
9 WAYNE ALBERT BLEYLE, RCP
10 Respondent

11
12 Dated: 3/9/06, 2006.

13 BILL LOCKYER, Attorney General of the
14 State of California

15 By: [Signature]
16 STEVEN H. ZEIGEN
17 Deputy Attorney General
18 Attorneys for Petitioner

19 **ORDER**

20 IT IS SO ORDERED this 10th day of March, 2006.

21 [Signature]
22 ADMINISTRATIVE LAW JUDGE
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